



Ohio Revised Code

Section 2941.1413 Mandatory additional prison term for felony OVI violation precluded unless charging instrument specifies prior convictions.

Effective: April 4, 2023

Legislation: Senate Bill 288

(A) Imposition of a mandatory additional prison term of one, two, three, four, or five years upon an offender under division (G)(2) of section 2929.13 of the Revised Code is precluded unless the indictment, count in the indictment, or information charging a felony violation of division (A) of section 4511.19 of the Revised Code specifies that either:

(1) The offender, within twenty years of the offense, previously has been convicted of or pleaded guilty to five or more equivalent offenses ;

(2) The offender previously has been convicted of or pleaded guilty to a specification of the type described in this section.

(B) The specification shall be stated at the end of the body of the indictment, count, or information and shall be stated in substantially the following form:

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or the prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender, within twenty years of committing the offense, previously had been convicted of or pleaded guilty to five or more equivalent offenses or previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code)."

(C) As used in this section, "equivalent offense" has the same meaning as in section 4511.181 of the Revised Code.
